

CITY OF KIMBERLEY
PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 2722

A BYLAW OF THE CITY OF KIMBERLEY TO AMEND “CITY OF KIMBERLEY ZONING BYLAW NO. 1850, 1994”

The Municipal Council of the City of Kimberley, in open meeting assembled, enacts as follows:

1. Bylaw No. 1850 is amended in the manner set forth in this Bylaw.
2. All uses of the phrase “single family dwelling” throughout Bylaw No. 1850 are deleted and replaced with the phrase “single unit dwelling”.
3. All uses of the phrase “two family dwelling” throughout Bylaw No. 1850 are deleted and replaced with the phrase “duplex dwelling”.
4. All uses of the phrase “multiple family dwelling” throughout Bylaw No. 1850 are deleted and replaced with the phrase “multiple unit dwelling”.
5. All uses of the phrase “modular home” and “boarding and lodging” throughout Bylaw No. 1850 are deleted and the numerical or alphabetical order of each affected section is updated throughout the bylaw as necessary.
6. All uses of the phrase “off-street” in reference to parking and loading regulations throughout Bylaw No. 1850 are deleted and the alphabetical order of section 3.04 ‘Definitions’ is updated as necessary.
7. Section 3.04 ‘Definitions’ is amended by deleting the definitions of “Boarding and Lodging,” “Family,” and “Modular Home.”
8. Section 3.04 ‘Definitions’ is amended by adding, in alphabetical order, the definitions set out in **Schedule “A”** attached to and forming part of this Bylaw and deleting the current definitions of the same terms.
9. Section 3.04 ‘Definitions’ is amended by adding, to the beginning of the section before the first term listed, “In this bylaw, the following terms have the following meanings:”
10. Section 3.04 ‘Definitions’ is amended by adding, to the end of the section after the last term listed “Defined terms are underlined in this Bylaw for convenience purposes only, and the above definitions apply whether a term is underlined or not.”

11. All uses of the phrase “Permitted Uses” and “Accessory Uses” throughout section 7 of Bylaw No. 1850 are deleted and replaced, respectively, with the phrases “Permitted Principal Uses” and “Permitted Accessory Uses”.
12. Section 4 ‘General Regulations’ is repealed and replaced with Section 4 ‘General Regulations’ as set out in **Schedule “B”** attached to and forming part of this Bylaw.
13. Section 6 ‘Parking and Loading Requirements’ is amended by adding the following as a new section 6.01(1)(b) “No portion of a parking space or access driveway shall be located within 6m (19.7 ft.) of the intersection of two highways, excluding a lane.”
14. Section 6 ‘Parking and Loading Requirements’ is amended by repealing the table in section 6.08(2) and replacing with the table as set out in **Schedule “C-1”** attached to and forming part of this Bylaw.
15. Section 6 ‘Parking and Loading Requirements’ is amended by repealing section 6.10 and replacing with the revised section 6.10 as set out in **Schedule “C-2”** attached to and forming part of this Bylaw.
16. Section 7.03 ‘Single Family Residential Zone: R-1’ is repealed and replaced with Section 7.03 ‘Residential Zone: R-1’ as set out in **Schedule “D”** attached to and forming part of this Bylaw.
17. Section 7.04 ‘Single and Two Family Residential Zone: R-2’ is repealed and replaced with Section 7.04 ‘Residential Zone: R-2’ as set out in **Schedule “E”** attached to and forming part of this Bylaw.
18. Section 7.05 ‘Multiple Family Residential Zone: R-3’ is repealed and replaced with Section 7.05 ‘Residential Zone: R-3’ as set out in **Schedule “F”** attached to and forming part of this Bylaw.
19. Section 7.09 ‘Commercial Zone: C-1’ is repealed and replaced with Section 7.09 ‘Commercial Zone: C-1’ as set out in **Schedule “G”** attached to and forming part of this Bylaw.
20. Section 7.09A ‘Commercial Platzl Zone: CP-1’ is repealed and replaced with Section 7.09A ‘Commercial Zone: CP-1’ as set out in **Schedule “H”** attached to and forming part of this Bylaw.
21. If any section, subsection, clause, phrase or word of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, the invalid section, subsection, clause, phrase or word shall be severed, and the severance shall not affect the validity of the remainder.

22. This Bylaw may be cited as “Bylaw No. 2722, Amendment No. 158, 2022 to City of Kimberley Zoning Bylaw No. 1850.”

Read a first time on the 27th day of June, 2022;

Read a second time on the 22nd day of August, 2022;

Received a Public Hearing on the _____ day of _____, 2022;

Read a third time on the _____ day of _____, 2022;

Adopted on the _____ day of _____, 2022;

MAYOR

CORPORATE OFFICER

Schedule "A" to Bylaw No. 2722

Definitions to be added, in alphabetical order, and to replace current definitions of the same terms, where applicable, in section 3.04 of Bylaw No. 1850:

APARTMENT means a multiple unit dwelling with vertical and horizontal fire separations between dwelling units.

BUILDING means an enclosed structure used or intended for supporting or sheltering any use or occupancy.

DWELLING, ACCESSORY means the residential use of all or part of a building for a self-contained dwelling unit that is clearly accessory to a principal building located on the same parcel and may be located within or attached to the principal building or in a detached accessory building.

DWELLING, CARRIAGE HOUSE means a residential dwelling unit located above a detached garage that is accessory to a principal dwelling unit located on the same parcel.

DWELLING, DUPLEX means a principal residential building containing two (2) dwelling units that are divided by a fire separation and share a common roof and foundation.

DWELLING, MULTIPLE UNIT means a residential building containing three (3) or more dwelling units and includes a townhouse, apartment, seniors housing and supportive housing.

DWELLING, SINGLE UNIT means a principal residential building containing one (1) dwelling unit.

DWELLING UNIT means the use of all or part of a building for one or more habitable rooms which constitute a self-contained unit with a separate interior or exterior entrance, used or intended to be used by one or more persons for living and sleeping purposes and containing sanitary and other rooms or facilities but not more than one (1) kitchen or set of cooking facilities.

HOME-BASED BUSINESS means:

- (a) Classification 1 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling and is carried on only by residents of the dwelling unit but does not include the repair of vehicles;
- (b) Classification 2 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling and is carried on by residents of the dwelling unit plus no more than two (2) non-resident assistants or employees, but does not include the repair of vehicles; or
- (c) Classification 3 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the

residential use of a parcel occupied by a dwelling unit and is carried on only by residents of the dwelling unit but does not include the visitation of customers or clients, the generation of additional traffic, or the repair of vehicles on the premises.

MOBILE HOME means any building constructed in accordance with the standards set forth in CAN/CSA Z240 MH Series M86, as amended from time to time, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried on its own chassis, and which contains a dwelling unit. A mobile home is not a recreational vehicle. A mobile home does not include modular structures constructed in accordance with the standards set forth in C.S.A. Standard A277 - M1990, as amended from time to time.

OUTDOOR AMENITY AREA means that part of a building or parcel containing multiple unit dwelling intended for the outdoor recreational use of the occupants, either for common use or individual dwelling unit use, exclusive of the areas occupied by entrance hallways, driveways, parking areas, dwelling units, and storage areas. An outdoor amenity area must not be greater than 30% in length of its width and must not be sloped greater than 3% in grade at any point.

PARCEL LINE, FRONT means the parcel line common to a parcel and an abutting highway other than a lane, however:

- (a) for a corner lot, the shortest such line shall be consider the front parcel line; or
- (b) for a through lot, the front parcel line shall be that to which the majority of adjacent buildings face, but if this not determinative, then from which the parcel derives its civic address.

PARCEL LINE, REAR means the parcel line or parcel lines opposite to and most distant from the front parcel line; however, where the rear portion of an irregular parcel is bounded by intersecting side parcel lines, it shall be the point of such intersection.

RESIDENTIAL means a fixed place of living, excluding any tourist accommodation, to which a person intends to return when absent.

TOWNHOUSE means a multiple unit dwelling wherein dwelling units are separated by vertical fire separations.

Schedule “B” to Bylaw No. 2722

SECTION 4 - GENERAL REGULATIONS

GENERAL COMPLIANCE

4.01

- (1) No person shall use, occupy or permit any person to use or occupy any land or building in contravention of this Bylaw.
- (2) Nothing contained in this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to that use, activity, building, structure or other matter regulated under this Bylaw.
- (3) Every use of land, building and structure permitted in each Zone must conform to all the regulations of the applicable Zone and all other regulations of this Bylaw.

GENERAL PROHIBITIONS

4.02

- (1) No land, building or structure may be used or occupied, and no building or structure may be left with no use, except in conformity with this Bylaw.
- (2) No building or structure or part thereof may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged:
 - (a) except in conformity with this Bylaw; or
 - (b) so as to cause any existing building or structure on the same parcel to violate the provisions of this Bylaw.
- (3) No subdivision may be approved:
 - (a) except in conformity with this Bylaw; or
 - (b) so as to cause any existing building or structure to violate the provisions of this Bylaw.

PERMITTED AND PROHIBITED USES

4.03

- (1) No land, building or structure may be used for a use that is not specifically listed under the heading “Permitted Principal Uses” or “Permitted Accessory Uses” in the Zone that the land, building or structure is located, and no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that Zone. Furthermore:
 - (a) A use not specifically permitted in this Bylaw is prohibited from the City.
 - (b) A use not specifically permitted in a Zone is prohibited from that Zone.

- (c) A use listed under "Permitted Accessory Uses" is only permitted if a use under "Permitted Principal Uses" is lawfully established and ongoing.
 - (d) A use is only permitted if lawfully established and ongoing in accordance with the regulations applicable to the use, as identified throughout this Bylaw, some of which may be varied in accordance with *Local Government Act* authority of the Board of Variance, or by City Council via development variance permit or variance within a development permit, as applicable.
- (2) Uses Permitted in All Zones:
The following uses are permitted in all Zones, in accordance with any conditions noted in this section or otherwise in the applicable Zones:
- (a) parks;
 - (b) public utility uses;
 - (c) home based business (classification 3)
 - (d) one temporary building, structure, or recreational vehicle used as a temporary residence directly related to the construction of a new building or reconstruction of an existing building on a parcel, provided:
 - (i) the owner holds a valid building permit for construction of a new single unit dwelling or duplex dwelling building or reconstruction of the existing single unit dwelling or duplex dwelling building;
 - (ii) the temporary residence conforms with all the requirements of the Zone in which it is situated, including siting, as if it was a principal building; and
 - (iii) within two months of completion, expiry, revocation or other termination of the building permit referenced in subsection (i), the temporary residence is removed and the parcel is restored as nearly as possible to its condition prior to the construction or placement of the temporary residence.
 - (e) one temporary building, structure, or recreational vehicle used as a temporary site office directly related to the construction of a new building or reconstruction of an existing building on a parcel, provided:
 - (i) the owner holds a valid building permit for construction of a new multiple unit dwelling, commercial, industrial or institutional building or reconstruction of the existing multiple unit dwelling, commercial, industrial or institutional building;
 - (ii) the temporary site office conforms with all the requirements of the zone in which it is situated, including siting, as if it was a principal building; and
 - (iii) within two months of completion, expiry, revocation or other termination of the building permit referenced in subsection (i), the temporary site office is removed and the parcel is restored as nearly as possible to its condition prior to the construction or placement of the temporary site office.
- (3) Uses Prohibited in All Zones:

Without limiting the generality of Section 4.03(1), the following uses are prohibited in all Zones, in accordance with any conditions noted in this section or otherwise in the applicable Zones:

- (a) Intensive agriculture use, other than on land that is within the Agricultural Land Reserve, unless specifically permitted within a Zone.
 - (b) the use of a tent, camper, trailer or other recreational vehicle, or any temporary building or structure, for residential purposes except as noted in Subsection 4.03(2)(d) or unless specifically permitted within a Zone.
 - (c) repair of vehicles, unless specifically permitted within a Zone;
 - (d) parking or storage of derelict vehicles, unless specifically permitted within a Zone.
- (4) Where a parcel does not satisfy the minimum parcel area or dimensions requirements, then the parcel may not be used for the otherwise permitted uses in that Zone, unless the parcel was created prior to the adoption of this Bylaw and no other permitted use is available for the parcel.

DENSITY REGULATIONS

4.04

- (1) Where a Zone includes a regulation specifying a maximum floor space ratio, the gross floor area of all buildings, including accessory buildings, on the parcel divided by the total area of the parcel must not exceed the ratio identified for the Zone in which the parcel is located.
- (2) Where a Zone includes a regulation specifying a maximum number in relation to buildings or structures, no parcel may contain more buildings and structures (combined) than the number specified for the Zone in which the parcel is located.
- (3) Where a Zone includes a regulation specifying a maximum number of units on a parcel, no parcel may be developed with more than the number of units identified for the Zone in which the parcel is located
- (4) For certainty, where more than one of the above density regulations apply to any particular parcel, the most restrictive governs but all remain applicable.

SUBDIVISION OF PARCELS

4.05

- (1) Parcel Area: Where a Zone includes a regulation entitled "Minimum Parcel Area", no parcel may be created by subdivision that has an area less than the figure specified for the Zone in which the parcel is located.
- (2) Parcel Frontage: Where a Zone includes a regulation entitled "Minimum Front Parcel Line", no parcel may be created by subdivision that has a front parcel line

less than the figure specified for the Zone in which the parcel is located.

- (3) Exceptions:
- (a) The Minimum Parcel Area and Minimum Front Parcel Line requirements of this Bylaw do not apply to:
 - (i) Parks; and
 - (ii) Public utility uses.
 - (b) Despite the Minimum Parcel Area and Minimum Front Parcel Line requirements of this Bylaw, a parcel may be created if:
 - (i) the existing parcel or parcels are lawfully non-complying with respect to the parcel area or front parcel line or both; and
 - (ii) the parcel or parcels to be created have a parcel area and front parcel line greater than that of the area and width of each of the existing parcels

DEVELOPMENT PERMITS

4.06

- (1) Development Permit Areas are designated in the City's Official Community Plan, and in accordance with section 489 of the Local Government Act, guidelines and conditions under which a development permit is not required may be specified in the OCP or Zoning Bylaw.
- (2) A Development Permit is not required in the following circumstances for all Development Permit Areas:
 - (a) Internal alterations that do not affect the outer appearance of a building or structure;
 - (b) Construction of, addition to, or alteration of a single unit dwelling, duplex dwelling, a dwelling unit that is accessory to a single unit dwelling or duplex dwelling, or accessory buildings or structures located on the same parcel as a single unit dwelling or duplex dwelling;
 - (c) Minor subdivisions, involving boundary adjustments, lot consolidations or road dedication, provided
 - (i) the number of parcels involved does not exceed five (5);
 - (ii) the total area of the parcels is generally consistent with the area of adjacent parcels; and

HOME BASED BUSINESSES

4.07 A home based business, where permitted by this Bylaw, shall be in compliance with the following:

- (1) It shall produce no offensive noise, traffic, vibration, smoke, dust, odour, glare or electrical interference.
- (2) It shall be carried on wholly within the dwelling unit or within an accessory building.

- (3) There shall be no exterior indication of the home-based business either by stored material, displays, floodlighting or otherwise, or by any variation from the residential character of the dwelling unit or accessory building except signage authorized under a valid sign permit. (*Bylaw 2594, Amnd 134*)
- (4) Parking for a home-based business shall not be located in the required front yard, except on a driveway or area which is designed and paved for parking.
- (5) Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require in the cumulative, more than weekly delivery by a commercial vehicle or trailer.
- (6) Only retail sales of products or goods produced or fabricated on the property shall be permitted.

ACCESSORY BUILDINGS AND STRUCTURES

4.08

- (1) No accessory buildings or accessory structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged unless
 - (a) the principal permitted use is being carried out on the parcel, or
 - (b) the principal building for a permitted use is under construction with a valid and current building permit.
- (2) Where an accessory building or structure is attached to the principal building, it must be considered part of the principal building.

SETBACKS, SITING AND LOCATION OF USES, BUILDINGS AND STRUCTURES

4.09

- (1) The construction, reconstruction, alteration, moving or extension of buildings and structures shall be in conformity with the regulations for siting of buildings and structures specified in this Bylaw.
- (2) Where a Zone includes a regulation specifying "Siting", "Minimum Yard" or "Minimum Setback", no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the parcel line or other feature than the distance specified for the Zone in which the building or structure is located, or distance specified in other regulations of this Bylaw, and for certainty:
 - (a) Setbacks may vary according to any combination of use, building, structure, yard or location within a Zone or adjacent Zone, or by parcel dimensions, or to a specific highway, and the provisions of this Bylaw must be interpreted accordingly; and
 - (b) Any portion of a building or structure located below finished grade is subject to all setbacks for the Zone in which the building or structure is located.

(2) Additional Setback Requirements:

(a) Water Setbacks:

- (i) 4.5m (15 ft.) from the natural boundary or engineered channel, whichever is applicable, of Mark Creek or any other watercourse unless specified in a floodplain or other bylaw;
- (ii) 15m (49.2 ft.) from the natural boundary of any other body of water

(b) Parking structures:

Any enclosed, or partially enclosed, parking spaces shall be setback a minimum of 5m from the parcel line at which access is provided from any highway, excluding a lane.

(c) Visibility at Intersections:

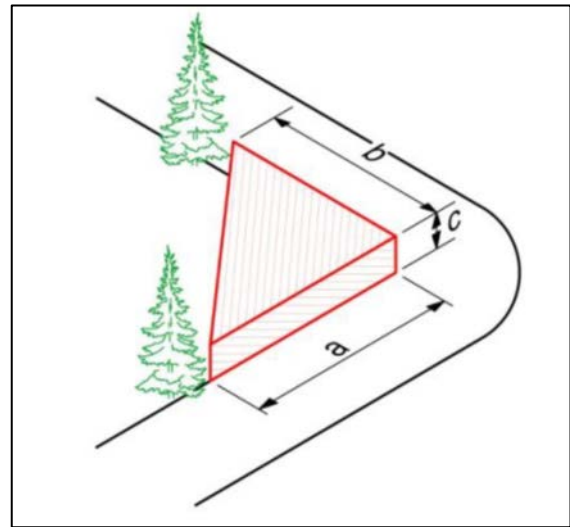
On corner parcels in a Residential or Comprehensive Development Zone: no buildings, structures, fences, landscaping or other objects in excess of 1m (3.2 ft.) in height, and that obstruct visibility by more than 20%, are permitted within a triangular area bounded by the two parcel lines adjacent to the highways, including lanes, and a straight line joining each parcel line at a distance of 3m (10 ft.) from their points of intersection.

Example of Sight Triangle

$$a = 3 \text{ m}$$

$$b = 3 \text{ m}$$

$$c = 1 \text{ m}$$



(3) Setback Exceptions:

The following exceptions are only applicable to the setbacks identified in Section 7 of this Bylaw, subject to such building code requirements as may be applicable, and do not override the "Additional Setback Requirements" of the previous section:

- (a) Fences or retaining walls
- (b) Eaves, gutters, fireplaces, chimneys, cornices, sills, bay windows, belt courses, heating or ventilating equipment provided such projections do not project more than 0.6 m. (2 ft.), measured horizontally, into required yard area.
- (c) Uncovered steps or unenclosed stairwells provided that such projections do not exceed 1.5 m. (5 ft.) and that such projections are no closer than 1m (3.3 ft.) to the property line.
- (d) A patio or terrace, which may be open or fenced, and which may be covered only by a temporary covering such as an awning.
- (e) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, public utilities, flag poles, signs, and sign structures

provided that the location and design thereof is not prohibited under any Bylaw or regulation of the City of Kimberley.

- (f) Arbors, trellises, fish ponds, ornaments, vegetation and similar landscape features.
- (g) Landscape features including planters, stairs, walkways, decks and decorative walls, provided such features are not greater than 0.6 meters in height above any point of the adjacent grade and are set back at least one meter from any side parcel line and at least two meters from the front parcel line and rear parcel line.

SIZE AND DIMENSIONS OF USES, BUILDINGS AND STRUCTURES

4.10

- (1) The construction, reconstruction, alteration, moving or extension of buildings and structures shall be in conformity with the regulations for size and dimensions of buildings and structures specified in this Bylaw.
- (2) Where a Zone includes a regulation specifying "Maximum Site Coverage", the footprint area measured to the exterior walls of all buildings and structures, excluding steps, eaves, patios, and cantilevered balconies or decks, on the parcel must not exceed the percentage specified for the Zone in which the parcel is located.
- (3) Where a Zone includes a regulation specifying "Maximum Height", no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the height specified for the Zone in which the building or structure is located. For certainty,
 - (a) maximum height in a Zone may vary according to the use of the building or structure, as specified in the Zone; and
 - (b) where two or more measures of height are noted, neither can be exceeded.
- (4) Height Exceptions:
 - (a) Despite the definition of height in Section 3.04, where the elevation of the highway servicing the parcel is above the average elevation of the grade of the subject parcel, the maximum permissible building height may be increased by the difference in ground elevation between the highway and grade of that face of the building that fronts onto the highway to a maximum increase of 3 metres.
 - (b) The height regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, clock towers, fire and hose towers, observation towers, transmission towers, radio and broadcasting and receiving towers, flag poles, aerials, water tanks, chimneys, drive-in movie theatre screens, stadium bleachers, baseball diamond backstops, elevator shafts, ventilators, lightning poles, ski lifts and towers.

RETAINING WALLS, FENCING, SCREENING AND LANDSCAPING

4.11

- (1) All fencing, retaining walls, screening and landscaping must be maintained in good condition at all times.

RETAINING WALLS

- (2) The exposed face of any retaining wall must not exceed height of 2 metres.
- (3) Tiered retaining walls must have a minimum 1.5 metre planting ledge between walls and be planted with vegetation to reduce visual impacts
- (4) Stacked Rock Walls:
 - (a) The previous two subsections do not apply to stacked rock walls having a slope less than 45 percent;
 - (b) The continuous height of any stacked rock wall should not exceed 5 metres, or 10 metres when tiered;
 - (c) Where the height exceeds 5 metres, a planting ledge with a maximum width of 3 metres must be provided between tiers;
 - (d) All slopes and retaining walls over 1.5 metres in height are subject to certification of a geotechnical engineer.

FENCING

- (5) Barbed, electrified, or razor wire must not be used as a fencing material in any Zone, except barbed wire may be used as a fencing material for public safety and security purposes only in M-1, M-2 or P-2 Zones provided:
 - (a) it is not used in any yard or parcel line abutting a residential zone or a parcel containing a residential use;
 - (b) it must not be located within 1.8 m (6 ft.) of ground level; and
 - (c) it is only placed on a fence at 1.8 m (6ft.) above the level of the ground but only to a combined maximum height of 2.4 m (8ft.)
- (6) Maximum height restrictions do not apply to open mesh and chain link fences erected to enclose cemeteries, sports fields, tennis courts, playgrounds, park, public utility uses, and municipal facilities.
- (7) The height of a fence on top of a retaining wall at a property line, or within 1.2m of a property line, shall not exceed the maximum height prescribed for the particular yard and zone when measured from grade on the high side of the retaining wall.
- (8) The height of a fence on top of a berm, wherever located on a parcel, must not exceed the maximum height prescribed for the particular yard and zone when measured from the natural ground level prior to establishment of the berm.
- (9) All Zones, except Industrial and Public Zones:
 - (a) The maximum height of a fence in all yards shall be 2.15 metres (7 ft.).

(10) Industrial Zones

- (a) The maximum height of a fence in all yards shall be 2.15 m (7ft.), except where barbed wire is permitted in which case the combined maximum height is 2.4 m (8ft.).
- (b) All outdoor storage, excluding display of retail goods or merchandise, shall be screened by a tight board fence, compact evergreen hedge, or other opaque screening not less than 1.8 metres (6 ft.) in height, nor greater than 3.0 m (9.9 ft.) in height to obstruct views of outdoor storage from any highway abutting the parcel or part thereof where the outdoor storage is located.

(11) Public Zones

- (a) The maximum height of a fence in all yards shall be 2.15 m (7ft.), except where barbed wire is permitted in which case the combined maximum height is 2.4 m (8ft.).

LANDSCAPING

- (12) On a parcel in an Industrial, Institutional, and Commercial zone, any part of the parcel not used for buildings, exterior display areas, parking or loading facilities must be fully landscaped and properly maintained in a permeable state;
- (13) On a parcel in a Residential zone, a minimum of 20% of the total surface area of the parcel must be fully landscaped and properly maintained in a permeable state;
- (14) For the purposes of the previous two subsections, the following surfaces are not permeable:
 - (a) buildings and structures;
 - (b) decks;
 - (c) patios;
 - (d) asphalt;
 - (e) concrete; and
 - (f) grouted pavers.
- (15) For all landscape screening, landscaped buffers or other landscaped areas required by this Bylaw, the following landscape requirements shall apply:
 - (a) Existing landscaped areas of healthy woody plants (trees and shrubs) shall be preserved and protected during construction unless demonstrated to the satisfaction of the City that removal is required to accommodate a use, building or structure on the lot or if the plants pose a safety hazard. Existing landscaping or natural vegetation that is to be retained must be

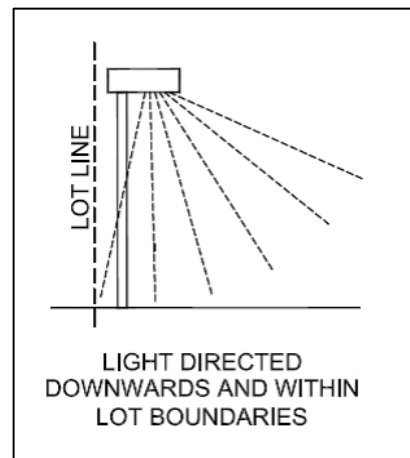
protected to the furthest extent of the drip line and the final grading of the site should not alter the natural grade within the root zone more than 20 cm, unless an arborist report indicates otherwise and is approved by the City;

- (b) At installation, planted deciduous trees shall be min. 8cm caliper in Commercial zones and min. 6 cm caliper in Industrial, Institutional, and Residential zones;
- (c) At installation, planted coniferous trees shall have a minimum height of 3.0m in commercial zones and a minimum height of 2.0m in Industrial, Institutional, and Residential zones;
- (d) New landscape plantings shall consist of native xeric or water conserving herbaceous and/or woody plant species proven to be enduring in the Kimberley area and shall exclude invasive species;
- (e) Appropriate means of irrigation, with an emphasis on high-efficiency water reducing systems, shall be provided by the owner of the parcel with particular attention paid to adequate watering during the establishment period to ensure survival of the newly planted areas;
- (f) Plant selection must make special consideration of WildSafe criteria to avoid plant species that are bear and deer attractants and consider FireSmart criteria.

LIGHTING

4.12

- (1) All lighting poles, masts, standards or structures shall be oriented on a lot to ensure that no direct rays of light shine upwards or beyond the boundaries of the lot.



Schedule "C-1" to Bylaw No. 2722

6.08 (2) The number of off-street parking spaces required for a use, building or structure shall be calculated according to the table below:

Building or Use	Required Parking Spaces
(a) <u>Dwelling units</u>	1 per unit
(b) <u>Bed and breakfast</u>	1 per licenced accommodation bedroom plus 1 for the principal dwelling unit
(c) <u>Seniors housing</u> and <u>Supportive housing</u>	0.5 per <u>dwelling unit</u>
(d) <u>Group homes</u>	1 per 3 residents and 1 per 3 staff
(e) <u>Assembly use</u> , <u>Club or Lodge</u> , and <u>Place of Worship</u>	1 per 25m ² of assembly area
(f) <u>Group day care</u> , preschool and elementary school	1 per 50m ² of <u>gross floor area</u>
(g) Secondary and post-secondary schools	3 per classroom
(h) Other Institutional uses	1 per 90m ² of <u>gross floor area</u>
(i) <u>Commercial school</u> and <u>Educational academy</u>	1 per 50m ² of <u>gross floor area</u>
(j) <u>Hotels</u> and <u>Motels</u>	1 per guest room
(k) <u>Restaurant</u> and <u>Neighbourhood Pub</u>	1 per 4 seat capacity
(l) Other Commercial uses	1 per 50m ² of <u>gross floor area</u>
(m) Industrial uses - <u>gross floor area</u> 1000m ² or less	1 per 50m ² of <u>gross floor area</u> or part thereof
(n) Industrial uses - <u>gross floor area</u> greater than 1000m ²	2 per 50m ² of <u>gross floor area</u> or part thereof

Schedule "C-2" to Bylaw No. 2722

REQUIRED BICYCLE PARKING

6.10

- (1) The number of bicycle parking spaces required for a use, building or structure shall be calculated according to the table below:

Building or Use	Required Bicycle Parking Spaces
(a) Residential or Commercial zoned <u>parcel</u> containing 2 or more <u>dwelling units</u>	2 per unit

- (2) Bicycle parking spaces shall be a minimum of 0.6m in width, a minimum of 1.8m in length and shall have a vertical clearance of at least 2m.
- (3) Bicycle spaces shall be located:
- (i) close to the main entrance of the building for which the bicycle spaces are provided,
 - (ii) close to elevators or parking entry if they are located within a parking structure,
 - (iii) so as not to obstruct pedestrian or vehicular movement, and
 - (iv) outside any vehicle parking spaces, loading areas, fire zones or other areas where unobstructed access is required.
- (4) Bicycle spaces shall be arranged to ensure the safe and convenient circulation of bicycles.
- (5) Bicycle spaces for residents shall be provided in the form of a secured waterproof bicycle locker, secured bicycle room, or other secured area within a building, complete with bicycle racks.
- (6) Secured bicycle storage areas shall be separated from garbage storage space, recycling storage space and other storage areas.
- (7) All required bicycle parking shall be provided on the parcel on which the use is located.

Schedule “D” to Bylaw No. 2722

RESIDENTIAL ZONE: R-1

7.03

- (1) Intent
The regulations for this zone are intended to accommodate a mix of ground-oriented housing types and sizes to foster neighbourhood diversity, affordability and vitality.
- (2) Permitted Principal Uses
 - (a) single unit dwelling;
 - (b) duplex dwelling.
- (3) Permitted Accessory Uses
 - (a) accessory buildings and structures;
 - (b) home based business (classification 1);
 - (c) accessory dwelling.
- (4) Parcel Area and Dimensions
 - (a) Minimum Parcel Area: 400 m² (4,305 ft.²).
 - (b) Minimum Front Parcel Line: 10m (32.8 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 6m (19.7 ft.).
 - (c) A parcel may be subdivided along a common wall of a duplex dwelling provided each minimum parcel area is 275 m² (2,960 ft.²).
 - (d) Where a parcel with a duplex dwelling located on it is subdivided along the common wall, the minimum front parcel line of each parcel is 7m (23 ft.).
- (5) Density
 - (a) Maximum number of principal buildings: one (1) single unit dwelling or one (1) duplex dwelling.
 - (b) No more than one accessory dwelling is permitted on a parcel containing a principal building and an accessory dwelling may not be subdivided or be created as a strata unit within a principal building.
- (6) Siting
 - (a) No person shall site a principal building which has:
 - (i) a front yard less than 2m (6.6 ft.);
 - (ii) a rear yard less than 3.5m (11.5 ft.);
 - (iii) a side yard less than 1.5 m (5 ft.).
 - (b) Side yard requirements do not apply to the parcel line along which a common wall is located.
 - (c) No person shall site an accessory building or structure which has:
 - (i) a front yard less than 1.5m (5 ft.);
 - (ii) a rear yard less than 1.5 m (5 ft.) where no developed rear lane exists;
 - (iii) a rear yard less than 0.5 m (1.6 ft.) where a developed rear lane exists;

- (iv) a side yard less than 1.5m (5 ft.).
- (d) An accessory dwelling must not be sited or located on a separate parcel from the principal building.
- (6) Size and Dimensions of Buildings and Structures
 - (a) Maximum height of a single unit dwelling: 9m (29.5 ft.).
 - (b) Maximum height of a duplex dwelling: 12m (39.4 ft.).
 - (c) Maximum height of an accessory building or structure containing a dwelling unit: 8m (26 ft.).
 - (d) Maximum height of an accessory building or structure which does not contain a dwelling unit: 6m (19.7 ft.).
 - (e) Maximum site coverage for a parcel containing:
 - (i) a single unit dwelling is 0.4;
 - (ii) two dwelling units is 0.5;
 - (iii) three dwelling units is 0.6.
- (7) Other Regulations
 - (a) All persons carrying out a use permitted in this zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

Schedule “E” to Bylaw No. 2722

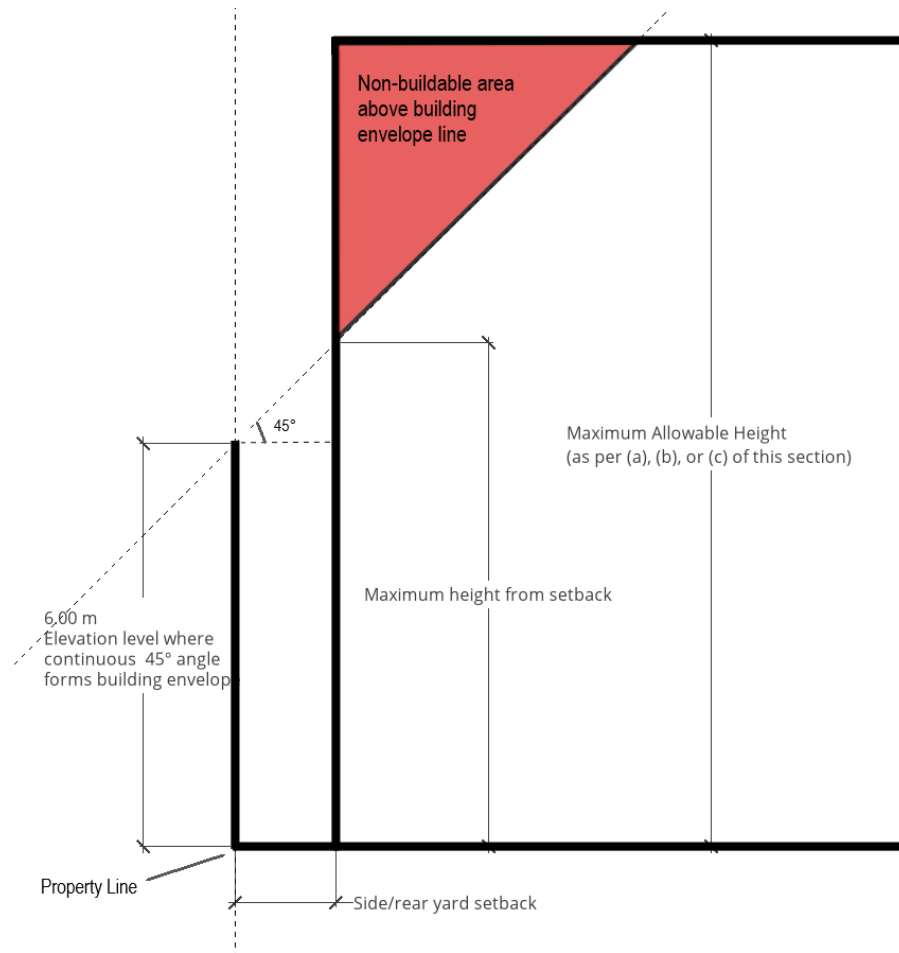
RESIDENTIAL ZONE: R-2

7.04

- (1) Intent
The regulations for this zone are intended to accommodate a wide range of housing types and sizes to foster neighbourhood diversity, affordability and vitality.
- (2) Permitted Principal Uses
 - (a) single unit dwelling;
 - (b) duplex dwelling;
 - (c) multiple unit dwelling.
- (3) Permitted Accessory Uses
 - (a) accessory dwelling;
 - (b) home based business (classification 2) only as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
 - (c) bed and breakfast as an accessory use to the principal dwelling unit of a single unit dwelling;
 - (d) child care facility as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
 - (e) accessory buildings and structures.
- (4) Parcel Area and Dimensions
 - (a) Minimum Parcel Area: 275 m² (2,960 ft.²);
 - (b) Minimum front parcel line: 7.5 m (24.6 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 6 m (19.7 ft.);
 - (c) A parcel may be subdivided along a common wall of a duplex dwelling or townhouse provided each minimum parcel area is 150m² (1,615 ft.²);
 - (d) where a parcel with a duplex dwelling or townhouse is subdivided along a common wall, the minimum front parcel line of each parcel is 6m (19.7 ft.);
- (5) Density
 - (a) Maximum number of principal buildings: one (1) single unit dwelling, one (1) duplex dwelling or one (1) multiple unit dwelling;
 - (b) Maximum floor space ratio for a parcel containing only a single dwelling unit is 0.5;
 - (c) Maximum floor space ratio for a parcel containing two dwelling units is 0.6;
 - (d) Maximum floor space ratio for a parcel containing three dwelling units is 1.0;
 - (e) Maximum floor space ratio for a parcel containing four or more dwelling units is 2.0.
 - (f) A parcel with a multiple unit dwelling must not contain more than six (6) dwelling units, except:
 - (i) where a housing agreement is established under Section 483 of the Local Government Act designating at least 25% of the units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and

- (ii) where a housing agreement is established, a multiple unit building must not contain more than (10) dwelling units ;
 - (g) A parcel containing a principal dwelling unit must not contain more than one attached accessory dwelling *and* one detached accessory dwelling and an attached accessory dwelling or detached accessory dwelling must not be subdivided from the principal building or be created as a strata unit within a principal building.
- (6) Siting
- (a) No person shall site a principal building which has:
 - (i) a front yard less than 2m (6.6 ft.);
 - (ii) a rear yard less than 3.5m (11.5 ft.);
 - (iii) a side yard less than 1.5 m (5 ft.).
 - (b) Side yard requirements do not apply to the parcel line along which a common wall is located.
 - (c) No person shall site an accessory building or structure which has:
 - (i) a front yard less than 1.5m (5 ft.);
 - (ii) a rear yard less than 1.5 m (5 ft.) where no developed rear lane exists,
 - (iii) a rear yard less than 0.5 m (1.6 ft.) where a developed rear lane exists;
 - (iv) a side yard less than 1.5m (5 ft.);
 - (v) An accessory dwelling must not be sited or located on a separate parcel from the principal building
 - (vi) Detached accessory dwellings which are accessory to a multiple unit building must be sited adjacent to a highway.
- (7) Size and Dimensions of Buildings and Structures
- (a) Maximum site coverage for a parcel containing:
 - (i) a single dwelling unit is 0.4;
 - (ii) two dwelling units is 0.5;
 - (iii) three dwelling units is 0.6;
 - (iv) four or more dwelling units is 0.65, except where all required parking spaces are provided in fully enclosed facilities within the principal building, the maximum site coverage is 0.75.
 - (b) Maximum height of a single unit dwelling: 9m (29.5 ft.);
 - (c) Maximum height of a duplex dwelling or multiple unit dwelling: 12m (39ft.);
 - (d) Maximum height of an accessory building or structure containing a dwelling unit: 8m (26 ft.);
 - (e) Maximum height of an accessory building or structure which does not contain a dwelling unit: 6m (19.7 ft.).

- (f) Principal buildings must be constructed within a building envelope beginning from an elevation of 6m above side and rear yard property lines into the property at a continuous 45° angle to where each envelope line meets.



- (8) Design Regulations
- (a) A minimum of 40% of the undeveloped space of each parcel must be landscaped;
 - (b) Each dwelling unit must have a minimum outdoor amenity area of 3.0 m².
 - (c) Where outdoor amenity space is provided as common space, the outdoor amenity space must:
 - i) be available to all residents of the development;
 - ii) not be less than 6.0 m²
- (9) Other Regulations
- (a) All persons carrying out a use permitted in the R-2 zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

Schedule “F” to Bylaw No. 2722

RESIDENTIAL ZONE: R-3

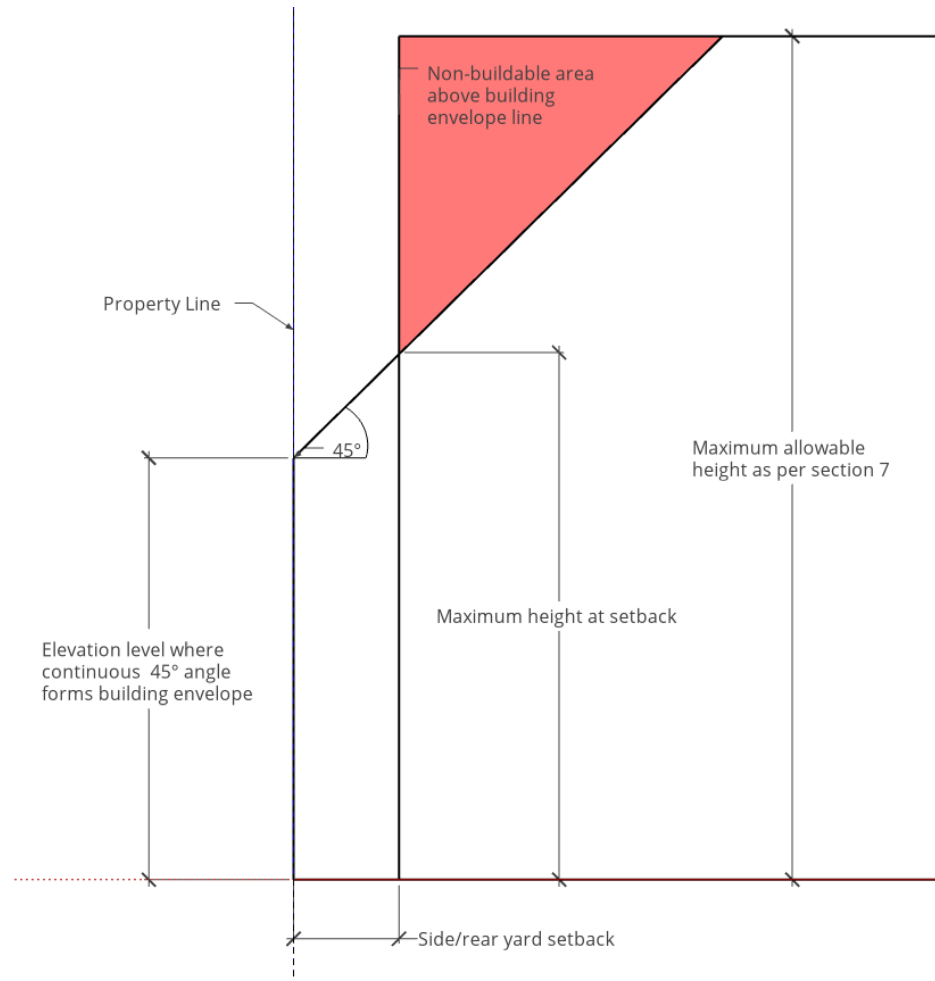
7.05

- (1) Intent
The regulations for this zone are intended to accommodate moderate-density housing in a mix of forms and sizes to foster neighbourhood diversity, affordability and vitality.
- (2) Permitted Principal Uses
 - a) multiple unit dwelling
 - b) seniors housing
 - c) supportive housing
- (3) Permitted Accessory Uses
 - a) accessory buildings and structures
 - b) child care facility
 - c) group day care, subject to Section 8(a)
- (4) Parcel Area and Dimensions
 - a) Minimum Parcel Area: 600 m² (6,458 sq. ft.);
 - b) Minimum Parcel Width: 18m (59’).
- (5) Density
 - a) Maximum floor space ratio is 3.0, except:
 - i) where a housing agreement is established under Section 483 of the Local Government Act designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and
 - ii) where a housing agreement is established, the maximum floor space ratio is 5.0.
- (6) Siting
 - a) No person shall site a principal building which has:
 - i) a front yard less than 1.5 m (5 ft.) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
 - ii) a rear yard less than 2.0 m (6.6 ft.);
 - iii) an interior side yard less than 1.5m (5 ft.);
 - iv) an exterior side yard less than 1.5m (5 ft.) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero exterior side yard.
 - b) No person shall site an accessory building or structure which has:
 - i) a front yard less than 4.0 m (13’ 1½”);

- ii) a rear yard less than 1.5 m (5 ft.);
- iii) an interior side yard less than 1.5m (5 ft.); and,
- iv) an exterior side yard less than 1.5 m (5 ft.).

(7) Size and Dimensions of Buildings and Structures

- a) Maximum height of principal building: 12.0 m (39.4 ft.), except:
 - i) where a housing agreement is established under Section 483 of the Local Government Act designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and
 - ii) where a housing agreement is established, the maximum height of a principal building is 15.0 m (49.2 ft.).
- b) Maximum height of an accessory building or structure: 6 m (19.7').
- c) Maximum site coverage: 0.8.
- d) Principal buildings must be constructed within a building envelope beginning from an elevation of 9m above each property line extending into the property at a continuous 45° angle to where each envelope line meets.



(8) Design Regulations

- a) A minimum of 40% of the undeveloped space of each lot shall be landscaped.
- b) Each dwelling unit shall have a minimum outdoor amenity area of 3.0 m².
- c) Where outdoor amenity space is provided as common space, the following standards shall apply:
 - (i) be available to all residents of the development;
 - (ii) have no dimension less than 6.0 m²

(9) Other Regulations

- a) An accessory group day care must:
 - i) only be located on the first floor or at grade; and,
 - ii) total no more than 20% of the gross floor area
- b) All persons carrying out a use permitted in the R-3B zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

Schedule "G" to Bylaw No. 2722

COMMERCIAL ZONE: C-1

7.09

(1) Intent

The regulations for this zone are intended to accommodate a mix of commercial uses, with provisions for some residential uses, to foster unique and diverse development that contributes to improving the aesthetics, vibrancy and functionality of Kimberley's commercial areas.

(2) Permitted Principal Uses

- (a) business and professional offices
- (b) health and wellness practitioners, veterinary clinic
- (c) retail, personal services
- (d) art studio
- (e) hostel, hotel, motel
- (f) restaurant, club, entertainment facility
- (g) craft brewery, distillery, subject to Section (8)(a)
- (h) food or beverage production, subject to Section (8)(a)
- (i) library, museum, theatre
- (j) commercial school
- (k) craft workshop, building and trade contracting industry, manufacturing or publishing industry, subject to Section (8)(b)
- (l) multiple family dwelling, subject to Section (8)(e)
- (m) child care facility, group day care
- (n) commercial parking, subject to Section (8)(c)
- (o) place of worship
- (p) single family dwelling, as per Section (8)(f)
- (q) public building

(3) Permitted Accessory Uses

- (a) accessory buildings and structures
- (b) tourist accommodation, subject to Section (8)(d)
- (c) dwelling units, subject to Section (8)(d)
- (d) indoor storage units, subject to Section (8)(g)

(4) Parcel Area and Dimensions

- (a) Minimum Parcel Area: 200 m² (2,152.8 ft.²)
- (b) Minimum Front Parcel Line: 10m (32.8ft.)

(5) Density

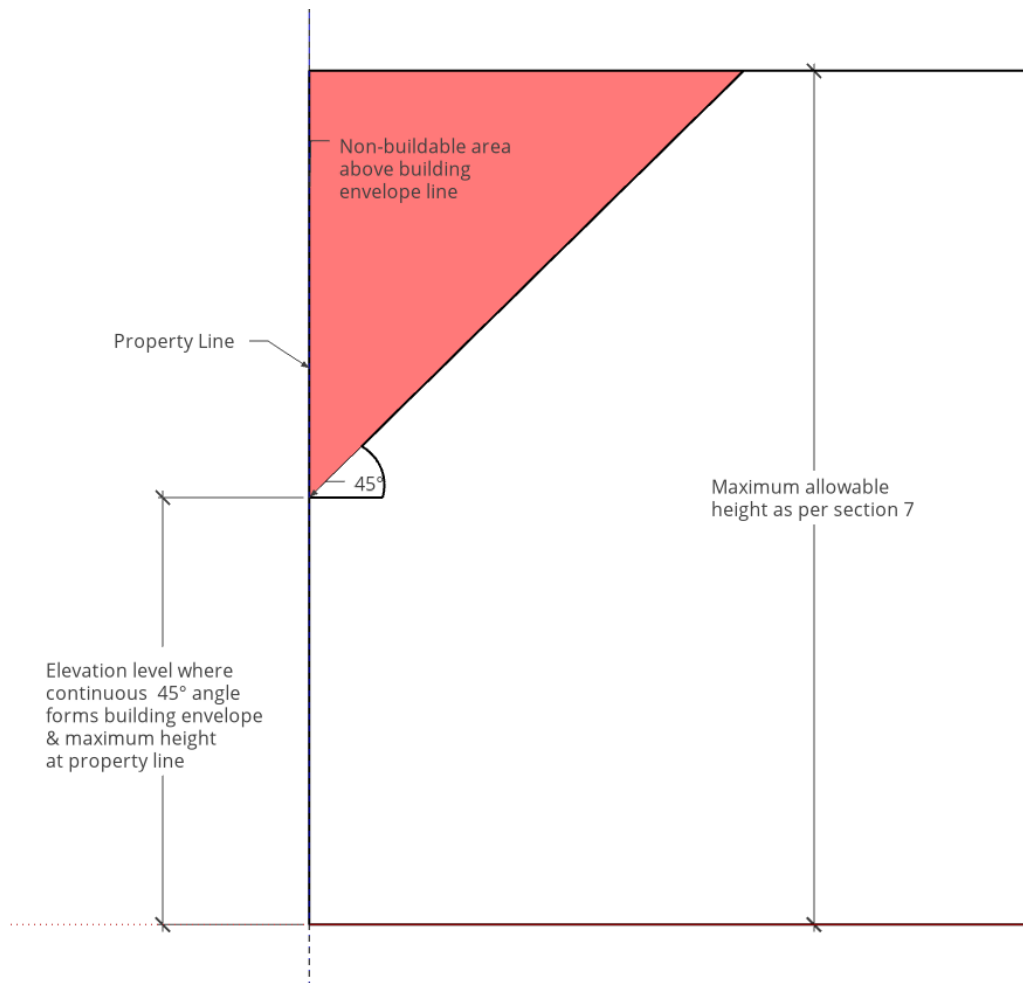
- (a) Maximum floor space ratio is 3.0, except the maximum floor space ratio may be increased up to 5.0 where a housing agreement is established under Section 483 of the Local Government Act designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment and at least 50% of the gross floor area of the building is designated for residential use.

(6) Siting

- (a) No person shall site an accessory building or structure which has:
- (i) a front yard less than 6.0 m (19.7 ft.);
 - (ii) a rear yard less than 1.5m (5 ft.) where the rear parcel line abuts a highway or lane;
 - (iii) a rear yard less than 0.9m (3 ft.) where the rear parcel line abuts another parcel;
 - (iv) an interior side yard less than 0.9m (3 ft.); and,
 - (v) an exterior side yard less than 1.5m (5 ft.)

(7) Size and Dimensions of Buildings and Structures

- (a) Maximum height of a principal building or structure: 15m (49.2 ft.).
- (b) Maximum height of an accessory building or structure: 6 m (19.7 ft.).
- (c) Principal buildings must be constructed within a building envelope, extending from a continuous elevation of 12m above property lines abutting a highway into the property at a 45° angle to where each envelope projection meets.



(8) Other Regulations

- (a) A parcel with craft brewery, craft distillery, food production or beverage production use must:
 - (i) maintain, at minimum, 20% of the gross floor area for restaurant, retail or entertainment facility use;
 - (ii) mitigate for excess noise, odours or noxious fumes; and,
 - (iii) front restaurant, retail or entertainment facility use on a front parcel line
- (b) A parcel with craft workshop, building and trade contracting industry, manufacturing or publishing industry use must:
 - (i) maintain, at minimum, 20% of the gross floor area for retail or office use located at the front parcel line;
 - (ii) store all materials and machinery related to the business within a building or structure;
 - (iii) conduct all work related to the business within a building or structure;
 - (iv) mitigate for excess noise, odours or noxious fumes; and,
 - (v) locate the craft workshop, building and trade contracting industry, manufacturing or publishing industry use below grade or at grade closer to the rear of the parcel and behind the retail or office use
- (c) A parcel with commercial parking as a principal use must:
 - (i) maintain, at minimum, 20% of the parcel area for a second permitted principal use other than commercial parking;
 - (ii) locate the second permitted principal use on the front parcel line; and,
 - (iii) only allow vehicle access to the commercial parking use from an existing lane
- (d) A parcel with dwelling unit or tourist accommodation as an accessory use must:
 - (i) maintain, at minimum, 50% of the ground floor fronting a front parcel line for a permitted commercial use; and,
 - (ii) provide separate highway or lane access for dwelling unit or tourist accommodation use
- (e) A parcel with only multiple family dwelling use may not contain tourist accommodation use
- (f) A single family dwelling existing at the time of the effective date of this Bylaw may continue the single family dwelling use, including any subsequent additions or structural alterations to the building, without the requirement for a principal commercial use
- (g) A parcel with an indoor storage as an accessory use must:
 - (i) maintain, at minimum, 50% of the ground floor fronting a front parcel line for a permitted principal commercial use;
 - (ii) locate indoor storage use below grade or at grade in the rear of a permitted principal use;
 - (iii) be wholly enclosed within the principal building;
 - (iv) provide separate outside access to the area containing the indoor storage units;

- (v) contain no indoor storage unit larger than 10m² (108 sq. ft.); and,
 - (vi) not be used for the storage of perishables, noxious and hazardous materials or vehicles;
- (h) All persons carrying out a use permitted in the C-1 zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) of this Bylaw.

Schedule “H” to Bylaw No. 2722

COMMERCIAL PLATZL ZONE: CP-1

7.09A

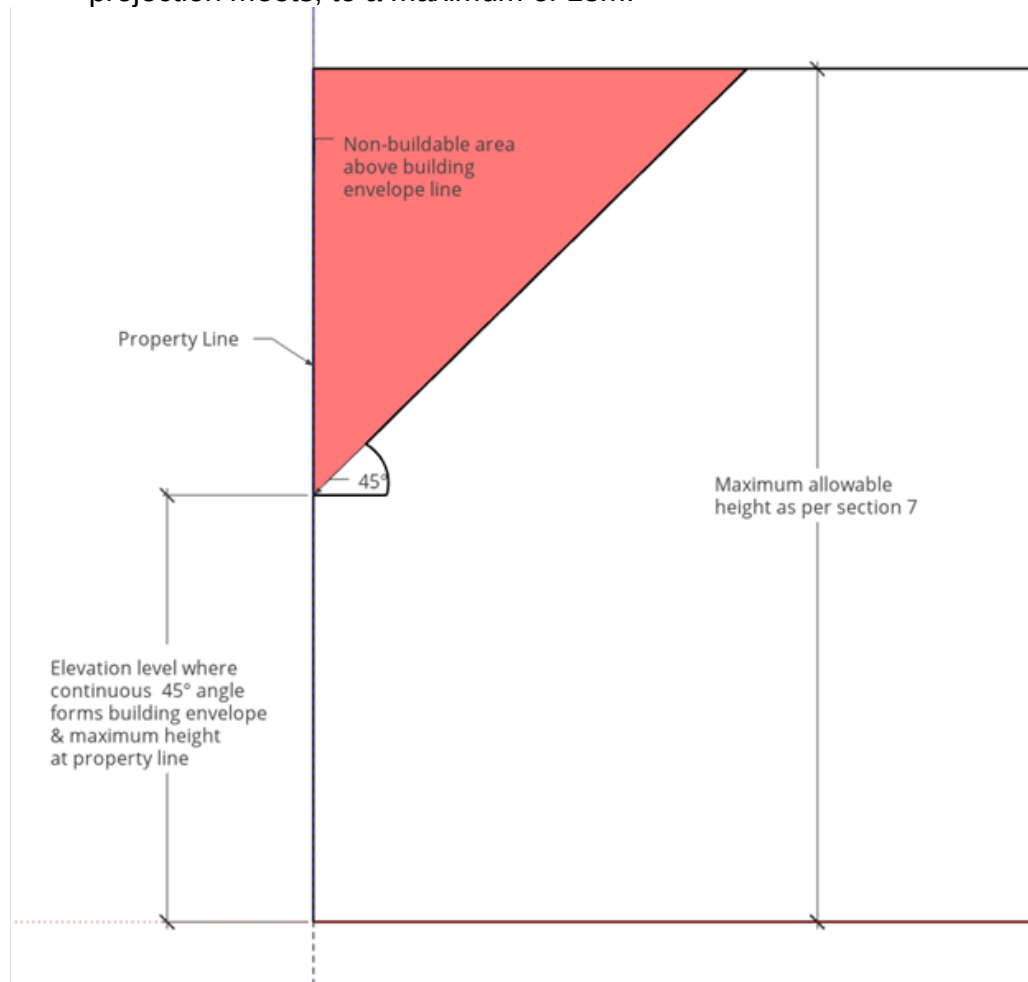
- (1) Intent
The regulations for this zone are intended to accommodate a diverse mix of commercial and upper-storey residential uses that complement and enhance the aesthetics, vibrancy and functionality of the pedestrian oriented character of the Platzl and adjacent area.
- (2) Permitted Principal Uses
 - (a) retail
 - (b) restaurant
 - (c) entertainment facility
 - (d) club
 - (e) business and professional offices
 - (f) health and wellness practitioners
 - (g) personal services
 - (h) library
 - (i) museum
 - (j) theatre
 - (k) commercial school
 - (l) art studio
 - (m) craft workshop
 - (n) hotel
 - (o) hostel
- (3) Permitted Accessory Uses
 - (a) accessory buildings and structures
 - (b) dwelling units
 - (c) tourist accommodation
- (4) Parcel Area and Dimensions
 - (a) Minimum Parcel Areas: 371.6 m² (4,000 ft²)
 - (b) Minimum front parcel line: 8.0 m (26.2 ft)
- (5) Density
 - (a) Maximum floor space ratio is 3.0, except the maximum floor space ratio may be increased up to 5.0 where a housing agreement is established under Section 483 of the Local Government Act designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment and at least 50% of the gross floor area of the building is designated for residential use.

(6) Siting

- (a) No person shall site a building or structure which has a rear yard less than 1.5 m (5 ft) from a lane.

(7) Size and Dimensions of Buildings and Structures

- (a) Maximum height of a principal building: 15 m (49.2 ft.).
(b) Maximum height of an accessory building or structure: 6 m (19.7 ft.).
(c) Principal buildings must be constructed within a building envelope, extending from a continuous elevation of 12m above property lines abutting a highway into the property at a 45° angle to where each envelope projection meets, to a maximum of 15m.



(8) Other Regulations

- (a) Dwelling units and tourist accommodation must:
- (i) be designed and constructed as an integral part of the principal building;
 - (ii) be located only on the upper floor levels above the main floor ground levels of the building above the finished grade of the Platzl pedestrian area.